

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BARBARA HAYWOOD,

Plaintiff,

v.

LAWRENCE HOUGH, *et al.*,

Defendants.

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CASE NO. 1:17-CV-508

HON. ROBERT J. JONKER

**ORDER APPROVING AND ADOPTING  
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Green's July 26, 2021 Report and Recommendation in this matter (ECF No. 213); Plaintiff's Objections (ECF No. 218); and Defendants' Responses to Objections (ECF Nos. 219, 221, 223). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE, § 3070.2, at 451 (3d ed. 2014). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; Plaintiff's Objections; and Defendants' Responses. The Court finds the Magistrate Judge's Report and Recommendation, which recommends denying Plaintiff's

Motion to Strike (ECF No. 207) and granting the motions for summary judgment filed by Defendants Eagle, Hough, and Hubbard (ECF Nos. 194, 195, 199), factually sound and legally correct.

The Magistrate Judge carefully and thoroughly considered the evidentiary record, the parties' arguments, and the governing law. Plaintiff's objections do not address the Report and Recommendation in any persuasive way. Plaintiff primarily reiterates and expands arguments she has already made and which the Magistrate Judge properly rejected. None of Plaintiff's objections change the fundamental analysis in this matter. Plaintiff is not entitled to the relief she seeks in her motion to strike, and summary judgment in favor of Defendants Eagle, Hough, and Hubbard is appropriate, for the very reasons the Report and Recommendation details.

**ACCORDINGLY, IT IS ORDERED:**

1. The Report and Recommendation of the Magistrate Judge (ECF No. 213) is **APPROVED AND ADOPTED** as the opinion of the Court.
2. Plaintiff's Motion to Strike (ECF No. 207) is **DENIED**.
3. The Motions for Summary Judgment filed by Defendants Eagle, Hough, and Hubbard (ECF Nos. 194, 195, 199) are **GRANTED**.
4. For the same reasons that the Court dismisses Plaintiff's claims, the Court discerns no good-faith basis for an appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997) (overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)).

This case is **CLOSED**.

Dated: September 13, 2021

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE